

Election Supervisory Board Resolution: 2023-002
In Res. Early Campaigning & Up-to-Date Campaign Expenditures
(Resolved: Sunday, February 19, 2023)

Election Supervisory Board Vice-Chair, Jenny Ainsworth, delivered the majority opinion of the board:

“In the matter of an Executive Alliance early campaigning and failure to keep up-to-date financial disclosures and receipts”

Whereas, Sec. 7.1 of the Campus-Wide Election Code reads “START OF CAMPAIGNING. The sanctioned campaign period shall begin at 12:01 a.m. on the Monday two weeks prior to the opening of the polls.”

Whereas, Sec. 7.4 of the Campus-Wide Election Code reads “UNAUTHORIZED CAMPAIGNING. All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the campaign period.

- a. This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.
- b. However, this prohibition does not include the personal individual recruitment by a candidate of individual team members.”

Whereas, Sec. 7.5 of the Campus-Wide Election Code reads “SOCIAL MEDIA ACTIVITY. Any social media activity that propagates specific language (by retweeting, sharing, or equivalent means) is considered speech on the part of the campaign and subject to the provisions in this code and university guidelines that regulate speech.

- a. Social media activity is defined as any action that originates from an account on a social media platform that is entirely intended to campaign for the individual or campaign-related material that originates from an account of a candidate or campaign agent as defined by Title II, Chapter II of the Campus-Wide Election Code.
- b. Candidates, agents, and workers may not be penalized for expressions of affirmation (including likes, heart-reacts, and similar expressions) that originate from their social media accounts.”

Whereas, Sec. 2.3 of the Campus-Wide Election Code reads “‘CAMPAIGN’ AND ‘CAMPAIGNING’ refer to statements, literature, activities or deliberate uses or distribution of materials of any kind that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning should only occur during the official campaign period as defined in this code.”

Whereas, Sec. 2.4 of the Campus-Wide Election Code reads “CAMPAIGN MATERIALS refers to all materials and literature of any kind concerning any candidate that have or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office but excludes any individual endorsement not approved by the candidate.”

Whereas, Sec. 4.6 of the Student Government Specific Code reads “FILED CAMPAIGN MATERIALS. A sample of all campaign materials must be filed with the Election Supervisory Board prior to its public distribution or publishing.

a. Candidates who distribute, publish, or disseminate their campaign materials prior to approval from the Election Supervisory Board shall be appropriately sanctioned for each violation of this section.”

Whereas, Sec. 3.11 of the Student Government Specific Code reads “JURISDICTION OF CODE. Candidates, their agents, and workers are subject to governance by this code throughout the duration of the candidate’s endeavoring to be elected to office in accordance with TITLE II, Sec. 3.8.

a. Candidates may still be held responsible and sanctioned for electioneering activities that violated the provisions of this code and its associated rules before the Candidate filed for office and was registered as a candidate by the Election Supervisory Board.”

Whereas, the Complaining party presented evidence of an Instagram post from May 17, 2022, of George Boghs wearing a sweatshirt with a similar design to their campaign logo, notably with the line “for President” at the bottom of the sweatshirt.

Whereas, Boghs clarified his ex-girlfriend created this logo years ago based on an inside joke about how he intends to run for President of the United States in 2040.

Whereas, Boghs provided evidence of this recurring, inside joke during the hearing by showing the ESB archived Instagram pictures with references to running for President in 2040.

Whereas, Boghs clarified the Boghs-Fuentes campaign recreated the logo, with noticeable differences (such as the inclusion of Ana’s name), for their electioneering efforts.

Whereas, the ESB approved the new, re-designed logo for campaigning purposes.

Whereas, the ESB decided the design and intent of the sweatshirt’s logo was not intended to have the effect of soliciting votes, support, or interest for a candidate or elective office as it was posted, and therefore, be it,

Resolved, that the Boghs-Fuentes Executive Alliance was found not responsible for early or unauthorized campaigning.

Moreover, Sec. 6.14 of the Campus-Wide Election Code reads “CAMPAIGN EXPENDITURE RECORDS. Each candidate must keep accurate and up-to-date records of all campaign receipts and expenditures. A template for financial disclosures for use by all candidates will be developed by the Election Supervisory Board and provided to each group by the first day of filing.”

Whereas, Sec. 3.18 of the Student Government Specific Code reads “RECORD KEEPING. Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.”

Whereas, Sec. 3.19 of the Student Government Specific Code reads “RECEIPTS. Receipts must be provided for all campaign expenditures.

a. All campaign-related expenses, except those specifically exempt within this code, shall be included in the candidate financial disclosure statements.”

Whereas, the Boghs-Fuentes Executive Alliance submitted their receipts for their campaign expenses through email (due to technical issues not unique to this Executive Alliance) to the ESB on Monday, February 13 at 10:46 a.m., and therefore, be it,

Resolved, that the Boghs-Fuentes Executive Alliance was found not responsible for failure to keep accurate and up-to-date records of their financial disclosures.

Moreover, Sec. 3.21 of the Student Government Specific Code reads “FINANCIAL DISCLOSURES. Each candidate’s financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- a. Contributions and expenditures of non-monetary assets and in-kind efforts must be listed and valued at their fair-market value, as determined by the Election Supervisory Board.
- b. The efforts and services of declared campaign staff do not need to be included as ‘inkind’ donations of efforts and services.
- c. Each financial disclosure statement must have all expenditure receipts attached.
- d. All expenses must be included in the financial disclosure report.”

Whereas, the Boghs-Fuentes Executive Alliance did not disclose the cost of their campaign photoshoot on the first Financial Disclosure as an “in-kind” donation,

Whereas, the Boghs-Fuentes Executive Alliance disclosed the name of their photographer, Tyler Pena, on their first Financial Disclosure as a worker,

Whereas, the Boghs-Fuentes Executive Alliance did not need to disclose the efforts and services of the photographer because he was disclosed as campaign staff, and therefore, be it

Resolved, that the Boghs-Fuentes Executive Alliance was not found responsible for failure to keep accurate and up-to-date financial disclosures.

Resolved, that any adversely affected party has the right to appeal this decision pursuant to Section 4.18 of the Campus-Wide Election Code, which reads, “Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced.”

In conclusion, The Election Supervisory Board submits its resolution on Sunday, February 19th, 2023, with a six-to-zero majority of the board members who were present at the meeting.

Affirmative Votes:

Soumith Reddy Palreddy (Chair)

Jenny Ainsworth (Vice-Chair)

Nanaafia Adjei (Secretary)

Cadie Buchanan

Mihir Gokhale

Ty Gribble